

MINUTES
ADVISORY COMMITTEE

Monday, May 19, 2014

City Hall, Room 203

5:00 p.m.

Members Present: Ald. Tom DeWane, Ald. Mark Steuer, Ald. Jerry Wiezbiskie, Ald. Andy Nicholson, Ald. Guy Zima, Ald. Chris Wery, and Ald. Brian Danzinger (arrived late)

Others Present: Ald. Tim DeWane, Ald. Dave Nennig, Ald. Randy Scannell, Ald. Joe Moore, Asst. City Attorney Jim Mueller, Chief of Staff Andy Rosendahl, and members of the media.

1. Call to order.

The meeting was called to order by Council President, Tom DeWane at 5:00 pm. All members were present with the exception of Ald. Danzinger whom would be arriving late due to his work schedule.

2. Approval of the agenda.

Motion and second were made to approve the agenda. Motion carried.

3. Discuss Walmart design plan on N. Broadway with possible action.

Ald. DeWane stated that he brought this forward because he has heard several times that aldermen and some constituents haven't seen Walmart's full plan. He said Walmart will be giving a presentation on their most recent plan and those who have signed up to speak will be allowed to ask questions relating to the plan, and only questions that pertain to the plan will be allowed. The item will then be brought back for discussion of the Council.

Lisa Nelson, Director of Public Affairs for Walmart addressed the committee stating she was grateful for the opportunity to be there and thankful for the feedback that allowed Walmart to make changes to their plan. Lisa reviewed Walmart's commitment to the community relative to helping at the homeless shelter, helping veterans, charitable giving and the economic impact on communities. She stated there are untruths on the internet about Walmart and asked anyone with concerns to contact a member of their Wisconsin team. Lisa stated the average wage is \$12.72 per hour for full-time hourly associates, many of which have gone on to become managers. She said they also offer an excellent benefit package with \$18 per month for health insurance and many of their employees

are participating in those plans. Lisa then introduced Debby Tomczyk, Attorney for Walmart.

Atty. Tomczyk stated that Walmart's plan is very achievable and fits with the vision for downtown. She reviewed the changes they made to the plan since they began this process 18 months ago and said the proposed store is about 50% smaller than the current west and east side stores. She said they want to locate on the Larsen Green site to better serve the customer base on the near west and east side of the river and said even the Velp Avenue location would be too far for the east side people to walk or bike. She shared demographics and studies which indicated a large gap for affordable general merchandise, a grocery store and pharmacy. Atty. Tomczyk said there would be 550 feet between their store and the riverfront and they are ready to take on the environmental challenges dealing with the property. Walmart would fund the project and not ask for financial assistance from the city. Regarding a two level store, she indicated the proposed store would be 150,000 square feet and one level would better serve their customers and make loading fresh produce less challenging.

Atty. Tomczyk said Walmart would be happy to work with any developer interested in the 2.2 acres to the east of their site and said they already are including mixed use with grocery, general merchandise and a pharmacy, just under one building. She said the project fits with the City's 2022 Smart Growth Plan, and the building would be built with sustainable materials from Wisconsin based companies. Walmart is willing to fund improvement for traffic flow as identified by a traffic impact study. She summarized by stating the building would be a state of the art, would bring an immediate increase to the tax base and would allow the \$3 million debt to be paid. She indicated they will be holding another public meeting next Tuesday at 5:00 pm at the Neville Museum and would welcome continued input from the public.

Ald. DeWane read the names of the individuals who signed the Appearance Request and were in favor or against the project as follows:

The following individuals were against the project:

Stacy Brabant, 118 S. Washington St.; Lisa Anderson, 894 Elmore St; Adam Chapel, 610 N. Chestnut St.; David Feldhausen, 100 W. Walnut St.; Kara Counard, 732 S. Clay St.; Tiffany Hoffman, 1333 Grignon – against; Karen Eckberg, 716 S. Roosevelt – against; Damelle Hilly, 413 Lawe St; Zoar Fulwilder, 100 W. Walnut #111B; Amanda Patterson-Luedtke, 810 E. Walnut St.; Desiree May, 1572 Cass St.; Shane Piepenburg, 602 16th Ave.; Emma Bellin, 100 W. Walnut St, #111; LaVonne Bray, 1762 Chateau Dr; Ashley Deprey-Peeters, 117 S. Jackson St.; Amy Kundinger, 918 Hickory Ave.; Peggy Crabb, 122 S. Maple Ave.; Lisa Hanson, 708 Kellogg St.; Kim Jankowski, 212 N. Oakland Ave.; Kevin Pursel, 126 S. Broadway; William Peters Jr., 233 N. Ashland Ave; Gregg Weitzol,

225 Woodlawn Ave; Rebecca Derenne, 817 N. Chestnut Ave.; Stephanie Bruss, 4504 Wyandot Trail; Debra May, 908 Shea Avenue; Kathy Lefebvre, 1731 East Shore Circle, Green Bay; Steve Dorchester, 709 S. Madison St., Green Bay

The following people were in favor of the Walmart project:

Mary Swanson, 101 Cherry St; Rich O'Brien, 3032B Conesta Dr; Noreen Hamm, 407 Park St; Jenn Cassel, 5525 Norway Woods; Lee Olson, 1451 Chicago St; Stacy Rothe, N6717 County Road E. DePere; David Donoian, 1863 Little Valley Ct; Deb VanBoxel, 142 Schober St; Scott Robe, 6717 County Rd E; Dan Behnke, 1268 Canterbury Rd; Angelina Gibbons, 800 Chicago St, Apt. 4; Elizabeth Haupt, 999 Riverview Dr., Dave Loomis, 2125 Bluebill St.; Dan Clark, 2930 Foxford Dr.; William Schleis, 2509 Sheridan Dr.; Greg Larsen, 632 N. Broadway; Rebecca Lutzen, 900 E. Walnut St.; Debby Tomczyk, 1000 N. Water St., Milwaukee; Lisa Nelson, 205 N. Lincoln St., Thorp

Ald. DeWane opened the floor for interested parties to speak:

Valerie Dantoin, W2407 Hofa Park Rd, Seymour stated she is a farmer and part of 3 different cooperatives and wanted to know if small local farmers could have access to putting their local products in the store. Lisa Nelson responded that Walmart is the largest purchaser of American agriculture and are interested in expanding the local choice for consumers and would be happy to put Valerie in touch with the right merchandising team so they could work with the coop. She indicated that Schreiber Foods makes the shredded cheese that Walmart carries and said all of their stores are buying from the economy in Green Bay and wherever they operate.

L. Nelson responded to an inquiry from Ald. Zima that Walmart does buy local for seasonal items like sweet corn, tomatoes, etc..

Pam Fischer, 1344 Russell St. stated that small locally owned businesses saved the economy of Appleton and said she travels to downtown Green Bay for the experience and expressed concern what Walmart would do to the downtown experience for now and the future. She feels a location outside of the downtown would be a better fit. L. Nelson responded that they feel they are at the edge of the downtown.

David VanderLeest, 507 S. Maple St. indicated he lives in the neighborhood and is in favor of the project. He inquired about how many mixed uses will be on these 15 acres, 6 or 7? Atty. Tomczyk responded there is an out lot for On Broadway and an opportunity for development on the east side of their store, 6 or more mixed uses.

Kim Myers, 828 Pine St. stated she is against the project and said in spite of the mixed use appearance, it's not true mixed use and limits the potential for Green Bay to make

money and said the air rights are over a parking lot and not desirable. She said Green Bay is expanding their convention center as is Appleton and could be an expansion of the downtown. She asked why Walmart's success is more important than Green Bay's success? Response from L. Nelson: The proposal Walmart has for air rights is consistent with the other proposals the city has, adding that if they weren't concerned with Green Bay they would not have spent so much time trying how to make this proposal work. She added they are already invested in Green Bay and their mixed use plan fits with the City.

James Sanderson, 417 Cambridge St, Green Bay inquired if Walmart knows the history of the site, saying that is where Fort Howard was and asked if interplaying history into the site was a priority? He said we have an unsung Fort building near this site that he feels should be brought back to the original site and give it prominence. L. Nelson responded from the first meeting this issue came up and said a discussion was held about how they could integrate some historical content to the design. She said they are committed to doing some kind of memorial or historic rendition on the site and would work with On Broadway to preserve that history.

Laural Virtues Wauters, 2619 E. Glacier Dr, Green Bay commented that other Walmart models around the country are two story and is aware that the corporate people at Walmart are suggesting getting away from the Super Stores. She inquired why Walmart has not agreed to a smaller store or anything other than a one story store. L. Nelson responded that they have made a lot of changes from the original format and said the Super Center is still the vehicle to Walmart's growth. She said their analytics drive what size store is appropriate for the market and this is what they believe will be the best for this site. She stated the store may be open 24 hrs and an application to sell alcohol will be applied for.

Rhonda Sitnikau, 1122 S. Jackson St., Green Bay said the \$90,000 Comprehensive Plan tells us that this isn't the downtown. She said we are not Walmart haters but she agrees with many others who feel a smaller store would be fine. She referred to an article in the Wall Street Journal who said an investor who had 200 shares in Walmart pulled out his investment. L. Nelson said they respect the opinions in the Wall Street Journal and have concern if they build too small of a store they would be back in a few years asking for an expansion. R. Sitnikau mentioned the decline in 5th quarter sales for Walmart, with L. Nelson responding that they would not be proposing a store if they didn't believe it would be successful.

Paul Swick, 712 N. Ashland Ave, Green Bay inquired about compromise and asked what percent Walmart feels they have compromised? L. Nelson said relative to other projects they feel they have come quite a distance and said this project is unique.

Leah Liebergen, 1308 View Lane, Green Bay indicated that she was told talks had been going on with On Broadway for about a month, at a public meeting at the Neville in the summer of 2013, when she now hears it's really 18 months. She said it's difficult to trust a company that has lied to her. She doesn't agree that Walmart is meeting the mixed use with different departments in one store. She said \$9 million that is not being spent is not correct. L. Nelson responded that this is the number the City said is going unspent at grocery stores. L. Liebergen said this is money that would be shifted around if Walmart opens. L. Nelson said this is a growing area and customers need to be served. L. Liebergen addressed the traffic issue with special events held On Broadway and in the downtown. L. Nelson said they are willing to deal with the street closures for these events. L. Liebergen read a quote which said if Walmart only built in cities where they were wanted, they would never build new stores. L. Nelson said they have talked to many people in this city who want this project to go forward.

Geoffrey Pinney, 2695 Trojan Drive, Green Bay inquired about Walmart fixing the land for this project and covering the cost if it exceeds their expectations? L. Nelson responded they would bear the entire cost. When would they start on this project? L. Nelson responded this year, if that would be possible. Mr. Pinney asked about taxes being generated with the two existing stores? L. Nelson said the west side store is on the Oneida reservation and is not generating taxes, the store on Main Street is. Mr. Pinney said one-half of the stores are paying tax revenue to the City of Green Bay.

Gregory Evrard, 800 Chicago St, Apt. 2, Green Bay inquired about a bike lane on Broadway with Lisa responding that they have not proposed this but could talk about it if necessary. He inquired if the traffic study included boats and trains? L. Nelson said they based the study on traffic out there and these may be included. In response to another question, she said she doesn't have the information if Walmart employs any residents of the NEW Community Shelter and does not know how many residents reside there. Mr. Evrard stated that having four stores in one city feels like a monopoly. He inquired if Walmart would consider allowing the city to put metered parking in their parking lot? L. Nelson responded "no" and said Walmart would own the property and would provide free parking.

Brent Crabb, 122 S. Maple Ave., Green Bay inquired why large stores are trending downward in other cities, but Walmart feels this is a good idea here? Dan Clark, marketing manager for the area responded saying that weather affects retail and he's been in retail for 25 years and said Walmart is as strong as ever. He said internet sales are beginning to impact their stores as well. Mr. Crabb doesn't see the connection

between internet sales and a larger store. L. Nelson said internet sales are important to the future of their store and said they will continue to be strong in the future.

Matthew LeMay, 123 N. Broadway stated he is against the proposal. He inquired about the number of vacant Walmart stores which he saw in 2012 or 2013 as being 360. L. Nelson responded that the number of vacant Walmart owned stores is at an all time low, but didn't have those numbers with her. She said it's important that Walmart will own this store and added that the other vacant stores may not be owned by Walmart. She indicated that Walmart will help market the property near their building and said Walmart's brokers help market the vacant stores as well. Mr. LeMay commented about not building a two story store and L. Nelson said they could ask some of the store operators about the challenges of this type of store. She added that customer experience is number one with them. He said there are no Walmart stores in Seattle and the Fred Meyer store there is successful and are two stories. Mr. LeMay inquired if Walmart will allow shoppers to use their parking lot to shop at businesses on Broadway and asked if Walmart would be comfortable letting their purchase agreement expire to allow interest from other developers? L. Nelson said they are comfortable with their plan and with the parking and the operational issues will be handled by other staff.

Eric Gabrielson, 825 Hubbard Street, Green Bay inquired about two buildings on Broadway that were built for coal storage and asked what are the impediments to reusing those buildings? L. Nelson responded that their civil engineers looked at those and found them not to be structurally sound and said it would be costly to re-use those buildings. He expressed concern about losing historic buildings for a large box store. L. Nelson said they would be willing to consider a smaller parking lot, and have already made the lot smaller. Mr. Gabrielson commented about the air rights to the north, with L. Nelson stating that there is a development proposed in the Larsen Green plan.

Christopher Naumann, 101 Cherry St, #207 said he lives and works downtown and said when Walmart planned their store, the question came up time and again, about the size of the store. He asked if this is for maximizing their profit and if they would be willing to work with the city. L. Nelson said this is the model that can best serve the customers in this area of the city and said they have made many revisions to their plan to cooperate with the city. She said they have done so much already and want to proceed with the plan they have in front of them. Mr. Naumann asked this question because of the alternative plan that was presented by the City which showed a very high level of density, far above what On Broadway was thinking and said they struggle finding a developer that is interested with those constraints.

Judy Van Ryzin, 921 S. Jackson St, Green Bay said much improvement has been made on Broadway and she wants this to go forward, not backward. She inquired about the salary of Walmart associates, with Ald. DeWane asking her to stick to questions about the plan. She commented about an article about residents' interest in moving into refurbished warehouses and inquired if Walmart believed we could do the same thing north of Kellogg St. and that would be as grounded in reality as Walmart's plan? L. Nelson responded that there have been opportunities for the property that they are looking at and their proposal is the one on the table right now, and she is aware that no other developers can come forward as long as their purchase option is in place. Ms. Van Ryzin commented there has not been much time for other developers to come forward, with David Donian, 1863 Little Valley Court commenting that the property has been vacant since about 2003 and they marketed the property since then. Ms. Van Ryzin stated that the city has not had a chance to develop this property for the past 125 years and now would have a chance to market the property. D. Donian responded that in 2003, the city could have acquired the property at that time, but didn't. He said no one except On Broadway stepped up to acquire the property in 2007, and until the property went under contract in June, 2013 there were several other people who looked at it. Ms. Van Ryzin stated she knows of developers who are interested, with L. Nelson responding that real estate is outside the realm of her job. Ms. Van Ryzin summed up by suggesting an elevator or escalator to accommodate a two story building and said the Broadway District is not a food desert.

Ruarik Schaffert, 337 Laudan Blvd, Neenah said he thinks it's fantastic that Walmart hires veterans. He stated that he didn't worry about having his job when he returned from military service. Lisa said they are committed to hiring 30,000 veterans in the next few years and thanked Ruarik for his service.

Heidi VanDen Plas, 1400 Porlier St., Green Bay inquired about the cost to the city and taxpayers to clean up the property. L. Nelson responded that Walmart is covering that cost. Heidi inquired why there is such a need for a super center at that location? L. Nelson said in terms of the quantity and variety of low cost merchandise and groceries, Walmart would meet all those options.

Stephanie Bruss, 4504 Wyandot Trail, Green Bay stated she is a business owner in the Broadway District and helped build a larger building when she was successful. She said if Walmart builds there, in another five years we won't know what could have progressed there. She indicated she would welcome a smaller Walmart or a store a few streets away from her business and said accessing a store on Velp coming from the highway would be quicker. L. Nelson responded that Velp is too far to serve the east and west side downtown population. L. said they made available for the city to develop on the eastern

side of their parking lot and air rights. This would need a third party developer. Ms. Bruss inquired when Walmart would step away and allow other developers to come forward. L. Nelson said they are trying to fill a need and serve people in the area. Ms. Bruss summed up by stating that she feels Walmart is stopping the progress they have made on Broadway in its tracks.

Nancy Collette, 708 12th Ave., Green Bay inquired why Walmart is meeting such opposition? She cited the example of Cabela's being able to build without such opposition. She said Walmart has done everything to help the city to allow them to build and said none of the Broadway shops sell the same items that Walmart sells. Ms. Collette said she is ashamed of the City Council for not giving Walmart the permit to build.

Sandra Ranck, 4336 Annabell Circle, Green Bay and said she is in the real estate business and feels the wheels are coming off the buggy. The online dialogues are getting more negative and her conversation with investors are the same. She said no one is going to come to the table and upset Walmart and added that until Walmart is off the table we won't be able to have dialogue about what could be on that site. She said this time crunch is creating the perfect storm with the note coming due and no one knows what the right decision is. She inquired of the Council if this decision needs to be made right now? She asked if the decision on building Walmart could be delayed a couple of years until we see what we have at this site? Ald. T. DeWane responded that the dialogue began four years ago to market this property and nothing happened. Walmart was the only one who came forward and that's why we're here today. S. Ranck asked if it would be worth it to wait?

Gordon Wilker, Jr., 1224 S. Greenwood Ave., Green Bay inquired if there is one way in and out for Walmart? L. Nelson responded there are alternate routes. Mr. Wilker inquired if Walmart needs to have this big store? L. Nelson again said the store that is proposed is the best option to serve the needs of the people downtown. Mr. Wilker said it's appearing that Walmart is on the outside trying to get in, which L. Nelson confirmed. He inquired if the property were to go bankrupt, would Walmart say the property would be in better shape after they left, or before Walmart did anything with the property? L. Nelson responded that they don't expect to go bankrupt and they are proposing what they feel will be successful. She said there would still be a structure that Walmart would be paying taxes on and their realty company would market the property. Mr. Wilker asked if Walmart would be supportive of having this decision on a city wide ballot? M. Nelson said that is up to the city and they are open to open debate.

Adam Prochaska, 400 N. Monroe Ave., Green Bay stated he is against the size of the current proposal because Walmart's interests are in corporate profits. He feels a store half the size, about 75,000 square feet, would be a better fit and would provide the clothing, merchandise and grocery needs of the area. L. Nelson again said this is the size of store that Walmart feels is best to serve the needs, from their marketing and research. Mr. Prochaska stated he previously worked at Walmart and said it's within Walmart's capacity to build a smaller store and stop misleading the Council and the public saying that a smaller store would not work. He asked if Walmart would be willing to show a smaller store at their meeting next week at the Neville. L. Nelson referred to the Wauwatosa site and said they only sell merchandise and again said the store has to be the right size supported by the data of the operations team and said every store has to be successful enough to support their staff at that store. Mr. Prochaska asked if Walmart is more concerned about the corporation or the community? L. Nelson responded that they care immensely about Green Bay but she is here tonight representing the corporation.

Kim Klein Dorchester, 709 S. Madison St., Green Bay asked for the slide where Walmart is shown in magenta in large form and the other parcels are much smaller. She asked why Walmart feels their voice carries more weight with our elected officials than her voice. L. Nelson said it does not. Kim inquired why splitting their business between 3 stores would be beneficial to Walmart? L. Nelson said their customers live downtown and this store could keep them in their neighborhood and make a good experience. They don't expect a large impact on their other west side store. Kim commented on the \$3 million loan and asked if Walmart is willing to release an itemization of the cleanup costs? L. Nelson said they have talked with the city about this.

Ald. DeWane closed the floor to the public and opened to Advisory Committee members to ask questions. Ald. Danzinger was now present. Ald. Steuer thanked Lisa and Debby for coming, and inquired about the traffic study done for Walmart and asked if the city does not agree with their traffic study, would that affect their project? Lisa responded that they have not received any feedback from the Traffic Dept. of the city. She said the normal process would be to submit their study to the city, receive feedback and work with the city. Ald. Steuer inquired about the store being open 24 hours a day, with Lisa responding that would be their first choice. She indicated they could do many essential functions during the late hours when there is minimal shopping traffic. Ald. Steuer questioned the potential of \$105 million investments with 4-6 individual businesses, which On Broadway had projected, versus Walmart's one story, \$10 million store. Lisa responded that the city adjusted that amount with the Authenticity Plan.

Ald. Wery commented about the City's Authenticity Plan which listed a need for a full service grocery including a deli and bakery as well as essential retail options. He

mentioned the area four blocks to the south by Mason Street which the city is marketing. He asked if Walmart could guarantee a certain dollar amount if asked by the city, with Lisa responding that they would do this as they have done in other stores. She also confirmed that they would preserve any archeological items found on the site and would be open to discussing having a large plaque or memorial identifying the Ft. Howard site.

Ald. Wiezbiskie inquired if the store were to fail, would the building be torn down, and would Walmart be receptive to an agreement with the city so the city wouldn't have a large box empty store? Lisa responded that she was not aware of such an agreement being required by ordinance and said keeping the existing building would provide the city with revenue on the assessed value and would make the property more marketable. In response to a question from Ald. Wiezbiskie about air rights and over head power lines, she responded that Walmart is not proposing to move the power lines. She said the existing air rights are in the City's Authenticity Plan.

Ald. Zima confirmed that the air rights go through the middle of the parking lot, which is correct. He indicated the current store design is more contemporary than other buildings in the district and inquired if Walmart would be agreeable to make small changes if necessary? Lisa responded that this isn't a done deal and would be happy to get dialogue going with the city regarding the plan. Ald. Zima said years ago he asked that a few million dollars be given to make improvements on Broadway and indicated that we want to keep moving ahead with the improvements that have been made. He said he put together a survey, and tried to be as neutral as possible, and received a couple hundred responses from his constituents who were 2 to 1 in favor of the project. He realizes a couple hundred is not many with 3,000 constituents and said he would be in favor of a referendum. Lisa responded that they are trying to manage the timeline on this project and have already been working on it for 18 months. If a referendum would mean another year, she said that would be a long time, as they would not do construction during the winter.

Ald. Moore inquired what action the Advisory Comm. is looking to take tonight? Ald. DeWane responded that no action was planned and this item will not be on tomorrow night's Council meeting, and must go through the Plan Commission on June 9th. Ald. Moore responded that this seems like another public hearing. Ald. DeWane indicated that he heard from many constituents and aldermen that everyone needs to see the revised plan and be able to ask questions, which is why he scheduled this meeting. He said he talked with the Mayor's Office before scheduling the meeting.

Ald. Danzinger commented that making a decision on this plan tonight would be premature and thanked Walmart for providing feedback and explaining why they are

looking at this footprint. He confirmed with Atty. Mueller that this committee cannot bypass the Plan Commission, which Atty. Mueller confirmed.

Ald. Zima inquired of Atty. Mueller that this committee can make a recommendation to the Plan Commission? Atty. Mueller responded that approving a plan that doesn't have proper zoning is putting the cart before the horse. Ald. Zima said the final say comes from the City Council, which Atty. Mueller confirmed. Ald. Zima stated that the law that states the Plan Commission must rule on something before the City Council, who are elected officials needs to be changed. He commented that the Advisory Committee can make a recommendation if they wish.

Ald. Tim DeWane suggested continuing this meeting after the June 9th Plan Commission meeting and said the City's Traffic Department has not yet spoken to the traffic study.

Ald. Steuer said he concurs that we don't have all the information at this point. He said we have Planning Staff and the Plan Commission to rely on and look to. He agrees that a vote should not be taken tonight on this issue.

Ald. Scannell inquired if only the Advisory Committee would be voting, if a vote was taken tonight? Ald. Tom DeWane said that is correct and the full Council will vote on it later.

Ald. Tom DeWane stated he knows what On Broadway Inc. and the Larsen Green Board have gone through and said this process has taken a long time. He wants what is best for the city and said he likes the multi use, the creation of jobs and the relationship with the N.E.W. Community Shelter. He also stated that Walmart would use a local developer who would hire local contractors for the \$10 million project.

Ald. Wery said he supports this project for the following reasons: the City would not have to take on a \$3 million debt, an increased tax base of over \$300,000 a year, clean up of an old industrial site with no assistance from the city, creation of 300 jobs, increased exposure with complimentary businesses coming in, affordable prices, good mixed use and convenience for visitors. He summed up by stating that we cannot supersede the Plan Commission but said Council has overridden the Plan Commission in the past in some instances, and cited the Sex Offender Residence Ordinance.

Motion made by Ald. Wery for the Advisory Committee to recommend to the City Council that we approve the Walmart proposal and consider any negotiated changes that may arise from the required Plan Commission meeting.

Motion seconded by Ald. Nicholson for purposes of discussion.

Atty. Mueller asked that Ald. Wery is recommending to the Council, not the Plan Commission? Ald. Wery confirmed. Ald. Steuer stated he is not comfortable on this motion at this time because we don't have some answers on important items such as the hours of operation of the store and opposes voting on this issue tonight. Ald. Wiezbiskie responded to Ald. Zima's question of legality stating that sending the issue to the Plan Commission is a state statute which the aldermen were sworn to abide by when they took office.

Atty. Mueller said the motion is talking about the plan and said the plan itself is a zoning issue and would need to have the PUD amended in order to go ahead with the project; and said the motion to approve the plan isn't the issue. Ald. DeWane said the Plan Commission won't see this recommendation since it is going to the Council. Ald. Scannell inquired what was the purpose of the motion; what are we gaining?

Ald. DeWane deferred to Ald. Wery to respond. Ald. Wery said we know where the Mayor, ED and Planning Director stand but feels the majority of his district who contacted him are in favor of the project and asking that their voice be heard. He stated he is not afraid to take the lead and feels most of the people in his district are in favor of the project. Ald. Tim DeWane stated that we're talking about the whole city, not one or two districts and he would be in favor of holding a referendum.

Ald. Zima agrees with Ald. Wery in that the public is getting the impression that the city is against Walmart. He said his door-to-door campaign and the results of his survey showed that constituents were mostly in favor of the project. He said if Council was pushed to vote now, he would vote in favor of the project. He talked about developments on the east side being subsidized and said Walmart is trying to accommodate the City and came to On Broadway, asking for no assistance and said developers are not lining up to fill the vacant buildings with boutique shops. He also wants the best design possible and is convinced this is the right project for the site and doesn't want to delay the process.

Ald. DeWane said we could market this property and wait up to five years for another developer, with probably no result and said people are asking him why the city is not approving this project. He asked Atty. Mueller to draw up something so a special Council meeting could be held on June 10th, right after the Plan Commission meets. Atty. Mueller said this is a procedure and he would need to check on that process and see how many signatures are needed.

Ald. Wiezbiskie said he's not naïve; this project will be extended. Ald. DeWane said the Larsen Green Board already voted, but there has been no response from the city. Ald.

Danzinger said he wants to respect the process and suggested waiting until after the Larsen Green meeting tomorrow, to talk about a special Council meeting. He said City Council will be voting on the issue based on the Plan Commission's report. He indicated people he has talked with were split 50/50 on the issue and the people in the middle were concerned with the design and the density. He said we are trying to find the best outcome for everyone involved and finds it disturbing that some have already made up their minds with many questions yet to be answered.

Ald. Zima said aldermen can oppose this at their peril and said there have been big changes to the initial plan, not incremental changes. He doesn't want to see this delayed to a slow death. He said we need four signatures to hold a special Council meeting and stated he heard the Plan Commission is planning to stall, indicating they are not ready. Ald. Danzinger called Point of Order and said the Plan Commission can negotiate an extension on the Purchase Agreement. Ald. Zima would be in favor of receiving and placing on file if there's willingness to hold a special Council meeting.

Ald. DeWane said if this is going to be extended for a month or two, he would ask for a special Council meeting and said if there's a deadline, we need to meet it. Walmart's attorney handed Atty. Mueller a copy of the law on holding special meetings and he will review this information.

Ald. DeWane asked for a vote on Ald. Wery's motion to recommend that the City Council approve the Walmart proposal and consider any negotiated changes that may arise from the required Plan Commission meeting.

Ald. Tom DeWane, Ald. Zima, Ald. Wery and Ald. Nicholson voted aye.
Ald. Steuer, Ald. Wiezbiskie and Ald. Danzinger voted nay.

Motion carried.

There being no further business, a motion to adjourn was made by Ald. Nicholson and seconded by Ald. Wery. Motion carried.